

affable and courteous discharge of the duties of Presiding Officer of Senate, in the absence of the President ; and that he be alike assured of the respect and esteem of the Senate, collectively and individually.

NEYLAND.

Adopted.

Upon motion of Senator Jowers, the Senate adjourned until Monday morning, 9 o'clock.

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SENATE CHAMBER, }  
Nov. 12th, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of Saturday read and adopted.

A bill to authorize the State of Texas to guarantee the bonds of the Memphis, El Paso and Pacific Railroad Company; the Columbus, San Antonio and Rio Grande Railroad Company; and the Houston and Texas Central Railroad Company; and the Air-Line Railroad Company, agreeable to the 30th section and 7th article of the Constitution of the State of Texas, was taken up, read second time, and ordered to be engrossed.

Senator Shelley offered the following resolution:

*Resolved*, That the Clerk of the Judiciary Committee shall receive the same pay as the assistant clerks of the Senate, and the Chairman of the Committee on Contingent Expenses shall approve his account accordingly.

Adopted.

Upon motion of Senator Boyd, a bill supplemental to a bill to provide for the publication of the Decisions of the Supreme Court, and the appointment of a reporter thereof, was taken up, read first time, and ordered to be engrossed.

Rule further suspended, read third time and passed.

Upon motion of Senator Yarbrough, an act amendatory of an act entitled "An act regulating juries, approved February 13, 1848, and May 4, 1846," was taken up on its second reading.

Read second time, and passed to a third reading.

Rule suspended, read third time, and lost.

Senator Shelley offered the following resolution:

*Resolved*, That the thanks of the Senate are tendered to its several officers for the affable, courteous, diligent and attentive manner in which their laborious duties have been performed, and that this resolution be spread upon the Journals.

Adopted.

Senator Shelley offered the following resolution:

*Resolved*, That the Porter of the Senate shall be allowed three dollars per diem from the 25th of October, until the close of the session.

Resolution adopted.

Senator Record, Chairman of Judiciary Committee, reported back and recommended the passage of a bill to repeal an act entitled "An act to prohibit the sale of intoxicating liquors within five miles of the court-house in the town of Waxahachie, Ellis county, except for medicinal purposes."

Also reported and recommended the passage of a bill to amend the 139th section of an act to organize the District Courts, and define their powers and jurisdiction, passed May 11th, 1846.

Also reported and recommended the passage of a joint resolution to raise joint committee to investigate books, accounts, &c., of the Military Board.

Also reported adversely to a bill providing for the publication of the decisions of the Supreme Court, and the appointment of a reporter for that purpose.

Also reports:

*Hon. G. W. Jones, President of the Senate :*

The Judiciary Committee have had under consideration House bill No. 1, entitled "An act to emancipate Robert W. R. Fenner and Charles W. Hise.

Also, a bill to be entitled "An act to relieve W. D. Burress from the disabilities of minority."

Also, a substitute entitled a bill to relieve R. W. R. Fenner, C. N. Hill and W. D. Burress from the disability of minority, and have instructed me to report these several bills back to the Senate and recommend that they do not pass.

J. K. P. RECORD, Chairman.

Also, reports adversely to the following bills :

A bill to provide for binding out poor children.

A bill to be entitled An act to amend the first section of an act entitled an act regulating sequestrations, approved March 15, 1848.

And a bill to be entitled An act to amend article 756 of the Penal Code.

Upon motion of Senator Guinn, a joint resolution for the establishment and endowment of another University, contradistinguished from the University of Texas, was taken up, and

Upon motion of Senator Jowers, M. H. Bonner of Cherokee,

and J. M. Perry of Anderson, were added to the Board of Commissioners.

Resolution, as amended, passed.

Upon motion of Senator Shelley, a bill creating the office of State Engineer and Superintendent of Public Works, was taken up.

Senator Shelley moved to amend as follows:

"In every case in which the State Engineer shall be required to inspect and report upon the construction and completion of any portion of any public works, railroads, canals, slack-water navigation, or other works of internal improvements, of whatever character, the company, board of directors, or other person, requiring the services of said engineer, shall pay into the State Treasury an amount to be fixed by the Governor, in proportion to the character of the services to be performed by the engineer; in no case not less than fifty dollars, nor more than five hundred dollars, shall be required to be paid by any person, company or corporation, for the service of said engineer at any time."

Amendment made.

Bill as amended, read second time, and the yeas and nays being called, was passed to a third reading by the following vote:

YEAS—Senators Braswell, Burney, Coppedge, Knox, Littleton, McDade, Neyland, Record, Saufley, Shelley, Stell, Voigt and Yurbro—13.

NAYS—Senators. Blount, Boyd, Cook, Guinn, Jowers, Parker, Reed, Selman and Truitt—9.

Rule further suspended, read third time, and passed.

Joint resolution for the appointment of administrators, and authority given to locate the University of the State of Texas, taken up, and amendments by the House concurred in.

Upon motion of Senator Cook, a bill to protect the citizens of Winchester, in Fayette county, and vicinity thereof, from immoral practices, was taken up.

Upon motion of Senator Cook, bill was amended by striking out 2d and 3d sections.

Bill as amended, read second time, and passed to a third reading.

Rule further suspended, read third time, and passed.

Upon motion of Senator Stell, a bill to incorporate the San Antonio and Guadalupe Bridge Company, was taken up, read first time.

Rule suspended, read second time, and passed to a third reading.

Rule further suspended, read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Coppedge, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Parker, Record, Reed, Saufley, Selman, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—None.

Senator Record presented the following acknowledgment from representatives of the Press, which,

Upon motion of Senator Record, was ordered to be spread upon the Journals:

“In behalf of the Press of the State, we have the honor to acknowledge the courtesy and kindness so constantly and universally extended to us by the officers and members of the Senate of Texas during the present session of the Legislature:

TOM. P. OCHILTREE,

Representing the Houston Telegraph.

J. M. CRANK,

Representing the Houston Journal

J. T. CLEVELAND,

Galveston News.

J. M. MORPHIS,

Galveston Civilian.”

Upon motion of Senator McDade, a bill to incorporate the Richmond Library Association was taken up, read first time.

Rule suspended, read second time, and passed to third reading.

Rule further suspended, read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Coppedge, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Record, Reed, Saufley, Selman, Shelley, Stell, Truitt, Voigt and Yarbrow—23.

NAYS—None.

Upon motion of Senator Selman, a bill to authorize the Judge of the 9th Judicial District to hold a special term of the District Court of Smith county, was taken up.

Senator Jowers moved to strike out “three” before “weeks,” and insert “two,” upon which the yeas and nays being called, the amendment was lost by the following vote:

YEAS—Senators Braswell, Guinn, Jowers, McDade, Nelson, Reed and Saufley—7.

NAYS—Senators Blount, Boyd, Brown, Burney, Cook, Coppedge, Dalrymple, Neyland, Parker, Selman, Shelley, Stell, Truitt, Voigt and Yarbrow—15.

Question recurring on final passage of the bill, it was passed by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Coppedge, Dalrymple, Guinn, Littleton, Neyland, Selman, Shelley, Stell, Truitt, Voigt and Yarbrow—16.

NAYS—Senators Jowers, McDade, Nelson, Record, Reed and Saufley—6.

On motion of Senator Neyland, the vote rejecting the bill to incorporate the Santiago and Brownsville Railroad Company, was reconsidered and laid over temporarily.

Senator Record, Chairman of Judiciary Committee, reported back and recommended the passage of a bill for the appointment of Judges in certain cases, with the following amendment:

Add "*Provided*, That no Judge shall be appointed under the provisions of this bill for the trial of any criminal case."

A message was received from the House, announcing the passage of the following bills:

Senate bill to authorize the County Court of Marion county, to appropriate a portion of the jury fund of said county, for the purpose of building a jail for said county.

Joint resolution in relation to contingent expenses of the 11th Legislature.

Senator Boyd offered the following resolution:

*Resolved*, That the Pages who are employed in the Senate Chamber, be allowed three dollars per diem, for their services from the 23d day of October last until the close of the session, and that the Chairman of the Committee on Contingent Expenses, be required to approve their accounts accordingly.

Resolution adopted.

Upon motion of Senator Shelley, a bill providing for the custody and authentication of the records of the Confederate Courts, was taken up, read second time and passed to a third reading; rule suspended, read third time and passed.

Senator Record made the following report:

COMMITTEE ROOM, November 12, 1866.

*Hon. G. W. Jones, President of the Senate:*

The Judiciary Committee have had under consideration the memorial of Geo. W. Paschal, relating to the purchase, by the State, of five thousand copies of his Digest of the Laws of Texas, and have instructed me to report, that after as thorough an examination of the work as the committee have been enabled to give it, they find it work of merit, carefully compiled and arranged, and well bound. The price charged is reasonable, and the committee recommend the Digest and the proposition of Mr. Paschal to the consideration of the Senate. Respectfully submitted.

J. K. P. RECCOD, Chairman.

Upon motion of Senator Shelley, bill and report were taken up, and upon motion of Senator Guinn, were made the special order for to-morrow at 9 o'clock.

A message was received from the House, announcing the passage of the following bills :

Joint Resolution authorizing the Governor to appoint a sexton and keeper of the State Cemetery, and prescribe his duty.

Substitute by the House for the Senate bill, authorizing the Secretary of State to furnish the officers of the counties of Cameron Madison, Houston, Erath and Orange with Supreme Court Reports.

Upon motion of Senator Neyland, the Senate adjourned until a quarter before 8 to-morrow morning.

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SENATE CHAMBER, }  
Nov. 13, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

The following message was received from his Excellency, the Governor, which was taken up, and read, and upon motion of Senator Shelley, the further consideration of the message and bill was indefinitely postponed.

EXECUTIVE OFFICE, }  
AUSTIN, Nov. 13th, 1866. }

*Gentlemen of the Senate and House of Representatives:*

I herewith return to the Senate, a bill entitled "An act authorizing guardians and administrators to settle their accounts in certain cases," originating in that body.

The fourth section of An Ordinance of the Convention making valid the laws and acts of officers therein mentioned, and for other purposes, went as far as the Convention thought it was proper and right to go in this direction.

That section of the Ordinance provided that where "Confederate or State currency was received and paid out" by administrators, guardians &c., the courts in the settlement of their accounts, should be governed by the rules of equity and justice. It was thought that this was as far as such parties should be protected. I am sure that it was intended by the Convention that this rule should be extended no further.

Believing that it would open the door to vast wrong upon the estates of minors and others who are powerless to help themselves